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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.684 OF 2006
IN
SUIT NO.169 OF 2003

Aly Shirazi ... Plaintiff

V/s.

Mehdi Shirazi & Ors,. ... Defendants

Mr.Birendra Saraf with Y.N. Adhia for Plaintiff
Mr.Y.M. Chaudhari for Defendant No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **MARCH 21, 2006**

P.C.:

. This Motion has been taken out by the Plaintiff for certain reliefs. The plaintiff claims to be a co-owner of several properties. Defendant Nos.1,2 and 5 are the other owners. There is a dispute as to whether Defendant No.1 is entitled to 1/3rd share of the suit properties, as he claims or a lesser share as contended by the plaintiffs.

2. One of the reliefs sought is that Defendant No.1 be restrained by an injunction from carrying out repairs to the suit property without specific written consent of the other heirs. The learned Advocate appearing for Defendant No.1 states, on instructions from Defendant No.1, who is present in Court today, that, in the event any repairs are carried out by Defendant No.1 without the express consent of either the plaintiff or Defendant Nos.2 and 5, he will not claim any amount from them at

the present moment or when the accounts are settled.

3. It is the case of the Plaintiff that Defendant No.1 is seeking equities by paying certain taxes, outgoings, etc. in respect of the suit properties. The defendant has already pleaded so in his written statement. However, if any amounts are paid in respect of the property henceforth, Defendant No.1 shall not claim equities in that respect.

4. The other prayers in the Motion are not pressed.

5. Motion stands disposed of accordingly.